

Amendment After Final Rejection
Serial No.10/022,168

Docket No. GB000182

REMARKS

The "Conclusion" section on page 9 of the Office Action dated November 14, 2005 characterizes that action as final, in violation of accepted Patent Office standards, MPEP 706.07(a) ("Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in **37 CFR 1.97(c)** with the fee set forth in **37 CFR 1.17(p)**), and the finality of the current Office Action cannot be sustained.

The "Conclusion" section on page 9 of the Office Action alleges that the applicants' amendment necessitated the new ground(s) of rejection. Applicants traverse this proposition AS CLEARLY INCORRECT.

The most recent reply, i.e., dated August 22, 2005, to an Office Action states, in the first paragraph of the "Remarks," "Claim 9 is redrafted into independent form, but is not otherwise revised."

At the time of that reply claim 9 stood rejected, under 35 U.S.C. 103(a), over Humpleman in view of Ogino (see Office Action mailed May 27, 2005).

The current Office Action, mailed November 14, 2005, applies a new ground of rejection, i.e., Humpleman in view of Ogino and Sun.

The May 27 Office Action had already applied Sun in rejecting claims.

Thus, the May 27 Office Action could have rejected claim 9 over Humpleman in view of Ogino and Sun, but, instead, chose to reject claim 9 over Humpleman in view of Ogino without applying the Sun reference.

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The language of claim 9 at that time is the same as at the time the current Office Action issued; yet, this current Office Action brings the third reference, Sun, into the rejection of claim 9, and makes the rejection final.

It was the persuasiveness of applicant's argument (see page 11, second paragraph), rather than applicant's amendment, that necessitated the new ground of rejection to claim 9.

It follows that the current Office Action has introduced a new ground of rejection for claim 9, not necessitated by any claim amendment in the previous reply of August 22nd; instead, the new ground of rejection was necessitated by the persuasiveness of the applicants' arguments in the previous reply of August 22nd. **ACCORDINGLY, THE FINALITY OF THE CURRENT OFFICE ACTION IS INVALID AND CANNOT BE SUSTAINED.**

Reconsideration and withdrawal of the finality of the current rejection is respectfully requested, to avoid the need for the applicants to take further measures within the Patent Office.

The Office Action mailed November 14, 2005 has been reviewed and carefully considered. Claims 1-5 and 8-22 are pending, the independent claims being 1 and 8-10. Claims 9 and 18 are amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

FIGs. 4 and 5 stand objected to based on reference numbers, which is addressed by amendment to the specification.

Claim 9 stands objected to for readability, and is now amended to address this concern.

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Claim 18 stands rejected under 35 U.S.C. 112, second paragraph, for indefiniteness. The amendment of claim 18 is believed to overcome any ground for the rejection.

Claims 1-5, 8-10, 13-19 and 22 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,886,732 to Humpleman in view of U.S. Patent No. 6,038,625 to Ogino.

Claim 9 recites, ". . . splitting decoding authorization data from a received digital television signal . . .," whereas Humpleman discloses merely the separation of video and audio from other data of a signal, possibly text. The passage cited by the Office Action in Ogino does not disclose "decoding authorization data." Nor do the references, alone or in combination, disclose or suggest, for example, that "decoding authorization data" is physically together with the media-bearing signal, as opposed to being transferred separately or at different times.

In apparent acknowledgment of these shortcomings, the present final Office Action adds in another reference, i.e., U.S. Patent No. 6,826,699 to Sun, mentioned in the prior Office Action. The Sun reference relates to key exchange between source and sink devices to initialize an entertainment data communication channel. Thus, one device is authenticating the other for subsequent flow of entertainment data. The Office Action cites to lines 27-35 of column 9, but this passage falls short of disclosing or suggesting ". . . splitting decoding authorization data from a received digital television signal . . ." It appears, instead, that the audio and video information is subsequently transmitted, i.e., after the handshake and the following key transmission. The three references, alone or in combination, fail to disclose or suggest, for example, that

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"decoding authorization data" is physically together with the media-bearing signal, as opposed to being transferred separately or at different times.

For at least the above reasons, the combination of references the Office Action proposes fails to render obvious the present invention as recited in claim 9. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 1, as amended, recites, "... transferring, over a network linking the plural sets and from a source from among said arrangements to a destination from among said arrangements, a decryption key usable for conditional access by the respective cryptographic engine of the destination arrangement . . ."

The Office Action cites to a passage in Ogino about one device, in the abstract, receiving data from another device. Thus, for example, a VCR retrieves the channel number which the viewer is watching, and records that channel number when the user selects the "quick record" button. There is no disclosure or suggestion in any of the applied references, alone or in combination, of sharing authorization data such as encryption keys.

The Office Action now adds the Sun reference, directed to authenticating a potential receiving device to ensure it participates in the protocol. This authenticating involves a decryption key, but it is unclear what nexus the Office Action is suggesting between the Sun decryption key and the "decryption key usable for conditional access" appearing in the present claim 1.

The Office Action cites, somewhat cryptically, as motivation "to simplify the coordination of various audio/visual components . . ." It is unclear how, or in what sense, the Office Action is weaving together the instant three references to evoke

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simplicity. It is unclear where the purported motivation is to be found in the references in view of what was generally known to those of ordinary skill in the art.

The applied references, alone or in combination, accordingly fail to disclose or suggest "... transferring, over a network linking the plural sets and from a source from among said arrangements to a destination from among said arrangements, a decryption key usable for conditional access by the respective cryptographic engine of the destination arrangement ..."

Notably, although the new reference U.S. Patent Publication No. 2001/0030959 to Ozawa et al. ("Ozawa") mentions conditional access, it is unclear what motivation would have existed to combine this reference with the ones already applied so as to resemble the present claim 1.

For at least the above reasons, claim 1 distinguishes patentably over the references of record.

Claim 8, as amended, recites, "... a conditional access module configured for the input and output of decryption keys serving to control the decoding of the digital television signal either locally within the apparatus by means of said input or remotely at further digital television apparatus by means of said output."

Claim 8 is deemed patentable over the applied references for at least the reasons set forth above with regard to claim 1.

Claim 10, as amended, recites, "... transferring a decryption key from a conditional access module of a digital decoding arrangement associated with one television set for operation in association with a conditional access module of a digital decoding arrangement associated with another television set."

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Claim 10 is deemed patentable over the applied references for at least the reasons set forth above with regard to claim 1.

Claims 11, 12, 20 and 21 stand rejected under 35 U.S.C. 103(a) as unpatentable over Humpleman in view of Ogino, Sun and Ogawa.

Claims 11 and 12 depend from base claim 1, and claims 20 and 21 depend from base claim 10. As set forth above, claims 11, 12, 20, 21 are deemed to distinguish patentably over the prior art of record at least due to their dependencies.

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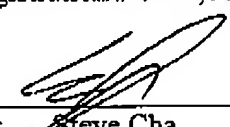
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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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